

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.73932 of 2019

Arising Out of PS. Case No.-1496 Year-2017 Thana- COMPLAINT CASE District- Araria

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1. Rajendra Yadav @ Boukai Yadav, male, aged about 50 years, Son of Late Billu Yadav.
 2. Amit Kumar Yadav, male, aged about 25 years, Son of Rajendra Yadav @ Boukai Yadav.

Both are resident of Village - Farkia, P.S. - Baunsi Basethi, District – Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramanand Yadav, male, aged about 65 years, Son of Late Saban Lal Yadav, resident of Village - Rahika Tola, Ward No. 17, Araria, P.S. and District – Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Rana, Adv.
For the O.P. No. 2	:	Mr. Anupa Nand Jha, Adv.
For the State	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 06-12-2021 Heard Mr. Mukesh Kumar Rana, the learned Advocate for the petitioners and Mr. Anupa Nand Jha, the learned counsel for the opposite party No. 2. The State is represented by Mr. Zainul Abedin, the learned APP.

The petitioners seek bail in anticipation of their



arrest in connection with Complaint Case No. 1496C of 2017 in which cognizance has been taken against him under Sections 323, 379 and 406 of the Indian Penal Code.

The accusation against the petitioners is of not having transferred the plot of land for which there was an agreement in existence and the opposite party No. 2 had made payment of Rs. 7,50,000/- in installments.

It has been submitted on behalf of the petitioners that the accusation is false as the very agreement was made by defrauding them. The opposite party No. 2, in his capacity as *Amin*, was given certain documents, which was converted into an agreement. Nonetheless, even if such agreement is found to be genuine, there is no evidence on record to indicate the mode of payment to the petitioners.

The learned counsel for the opposite party No. 2 has fairly stated that there is nothing in the complaint petition to indicate about the mode of payment of money to the petitioners.

The matter was sent to the Mediation Centre of the Patna High Court for effective resolution of the dispute



between the parties by order dated 05.03.2020 but because of the pandemic closure, mediation did not commence.

However, looking at the nature of accusation against the petitioners and there being nothing on record to indicate the manner of transfer of money to the petitioners, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Complaint Case No. 1496C of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

The records from the Mediation Centre of the Patna High Court is, hereby, recalled.

(Ashutosh Kumar, J)

Praveen-II/-

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